BOMBAY ACT No. XXXV OF 1949.[1]

[THE BOMBAY LAND ACQUISITION OFFICERS PROCEEDINGS VALIDATION ACT, 1949.]

[*14th October 1949*]

An Act to remove certain doubts and to establish the validity of certain proceedings taken for acquisition of lands in the Province of Bombay.

WHEREAS the Provincial Government had declared certain lands in the Province of Bombay to be needed for public purposes and for the purpo es of certain companies under the provisions of the Land Acquisition Act, 1894 ;

1 of 1894.

AND WHEREAS the Provincial Government had appointed certain officers under clause (*c*) of section 3 of the said Act to perform the functions of the Collector and had directed certain officers under section 7 of the said Act to take order for the acquisition of the said lands under the said Act ;

AND WHEREAS certain officers other than those who were so appointed or directed took proceedings under the said Act in respect of the acquisition of some of the said lands, instead of the officers appointed or directed ;

AND WHEREAS doubts have been raised as to the validity of the proceedings taken by the officers who were not duly appointed or directed ;

AND WHEREAS it is expedient to remove the said doubts and to validate the proceedings taken and acts done by the said officers ;

AND WHEREAS it is also expendient to provide that any proceedings which may hereafter be taken for the acquisition of lands under the said Act shall not be invalid only on the ground that the proceedings are taken by officers other than those who were appointed or directed to take the said proceedings ; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Land Acquisition Officers Proceedings Validation Act, 1949. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

1 of 1894.

(*a*) " said Act " means the Land Acquisition Act, 1894 ;

(*b*) " said date " means the date on which this Act comes into force ;

(*c*) " said lands " means the lands which before the said date were declared by the Provincial Government under section 6 of the said Act as being needed for a public purpose or for the purposes of a company and any proceedings for the acquisition of which were taken by officers who were not duly appointed or directed to take such proceedings ;

(*d*) " Special Officers " means officers who took proceedings for the acquisition of the said lands but who were not duly appointed as the Collectors under clause (*c*) of section 3 or were not directed to take order for their acquisition under section 7 of the said Act.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 258.

Validation of notices, awards, proceedings, etc., under the Land Acquisition Act, 1894.

3. Notwithstanding anything contained in the said Act,—

(*1*) (*a*) all notices given, inquiries held, disputes decided, orders taken or made, awards made and all acts done before the said date by the Special Officers purporting to act as the Collectors under the said Act, in respect of the said lands;

(*b*) all declarations made by the Provincial Government under section 6 of the said Act in respect of the acquisition of the said lands as being needed for a public purpose or for the purposes of a company before the said date;

(*c*) all agreements executed before the said date by companies in respect of any of the said lands, declared to be needed for their purposes; and

(*d*) all other proceedings taken by the Special Officers for the acquisition of the said lands before the said date, including the proceedings for taking the possession of any of the said lands in pursuance of the provisions of the said Act,

shall be deemed to be and always to have been validly given, held, decided, taken, made, done or executed, as the case may be, and any of the said lands, the possession of which has been so taken, shall be and always to have been vested in the Crown, under the said Act; and

(*2*) it shall be lawful for the Special Officers, or any other officers who may be duly appointed or directed by the Provincial Government under the said Act, to take such proceedings, to take or make such orders, to make such awards or to do such other acts as may be necessary for the completion of the acquisition of the said lands under the said Act or any other law for the time being in force.

Validity of notices, awards, proceedings, etc., relating to acquisition not to be questioned and bar of suits and proceedings.

4. (*1*) The validity of any notice, inquiry, dispute, order, award or declaration and any proceeding including the proceeding for taking possession of the said lands given, held, decided, taken or made, or purporting to have been given, held, decided, taken or made, as the case may be, in connection with the acquisition of the said lands under the said Act shall not be called in question; and

(*2*) no Court shall have jurisdiction to entertain or try any suit or legal proceeding against the Provincial Government or against any of the Special Officers or any other officers of the Provincial Government, acting or purporting to act under the said Act in connection with the acquisition of the said lands, only on the ground that the proceedings for such acquisition were illegal or irregular by reason of the fact that any of the Special Officers was not duly appointed to perform the functions of a Collector under clause (*c*) of section 3, or was not duly directed to take order for the acquisition under section 7, of the said Act.

Application of sections 2 to 4 to pending suits and proceedings.

5. The provisions of sections 2 to 4 (both inclusive) shall apply, notwithstanding the pendency of any suit or other proceeding in any Court, either in a Court of first instance or in a Court of appeal, on the said date.

Insertion of new section 52A in Act I of 1894.

6. After section 52 of the Land Acquisition Act, 1894, in its application to the Province of Bombay, the following section shall be inserted, namely :— I of 1894.

Delegation.

"52A. Notwithstanding anything contained in the foregoing provisions, a Collector may, subject to the general or special orders of the Provincial Government, delegate any of his powers or functions under this Act to any officer not below the rank of a Mamlatdar or to a Land Acquisition Officer specially appointed by the Provincial Government in this behalf."